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**HARNESS, DICKEY & PIERCE, P.L.C.**

OIP&amp;

APR 02 2002

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2681

**Fax**

To: USPTO (OIP&E) From: Gary D. Yacura  
 Fax: (703) 746-4060 Date: 4/2/02  
 Phone:  Pages: 15 (including cover sheet)  
 Your Ref.: 09/848,259 Our Ref.: 29250-000575  
 Re:  CC:

 Urgent For Review Please Comment Please Reply

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**COMMENTS:****FAX RESPONSE**

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Please type a plus sign (+) inside this box → 

HDP/SB/21 based on PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

APR 02 2002

Total Number of Pages in This Submission

Attorney Docket Number

29250-000575/US

## ENCLOSURES (check all that apply)

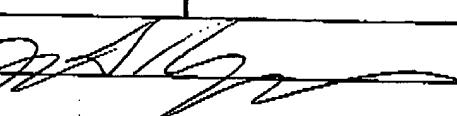
- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  |
| <input type="checkbox"/> Amendment / Response                                | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):   |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  | Response to Request for Substitute Papers w/attachments  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | Remarks   | The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed. |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

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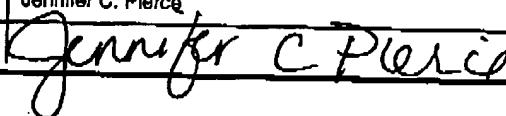
Technology Center 2600

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Gary D. Yacura	Reg. No. 35,418
Signature			
Date	April 2, 2002		

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Jennifer C. Pierce		
Signature			
	Date	April 2, 2002	

O I P E

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/848,259	05/04/2001	Jeske, Daniel	2925-0575P

30594

HARNESS, DICKEY & PIERCE, P.L.C.  
 P.O. BOX 8910  
 RESTON VA 20195

4-2-02  
*Reply Due - NEP!*  
*gdc*

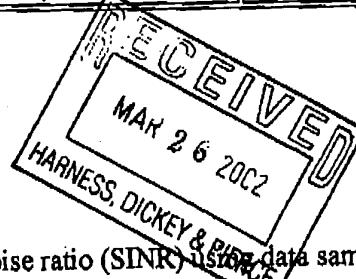
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APR 1 2 2002

Technology Center 2600

Title: Method of estimating a signal-to-interference+noise ratio (SINR) using data samples

Date Mailed: 03/19/2002

**Request for Substitute Papers**

The papers filed on 01/17/02 are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-746-4060(OIPE)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO strongly prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely reply to this notice within two (2) weeks of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. A copy of this notice should be included with the reply.

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: Gary D. YACURA Registration No.: 352416

Signature: G.D. YACURA Date: 4/2/02

**BOX MISSING PARTS  
PATENT  
29250-000575**

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Applicant:	Daniel R. JESKE et al.	Conf:	6336
Appl. No.:	09/848,259	Group:	2681
Filed:	May 4, 2001	Examiner:	
For:	METHOD OF ESTIMATING A SIGNAL-TO- INTERFERENCE+NOISE RATIO (SINR) USING DATA SAMPLES		

**THIS IS NOT A NEW PATENT APPLICATION**

LETTER SUBMITTING DOCUMENTS  
FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f)

  
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**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, DC 20231

Date: October 24, 2001

Sir:

The application papers for the above-identified application were originally filed on May 4, 2001 and the application was assigned Appl. No. 09/818,259.

Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) ( original  photocopy), necessary for completing the filing requirements in connection with the above-identified application.

Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on \_\_\_\_\_, including any amendments thereto (if applicable) filed on even date therewith.

APR-02-2002 16:34

HDP

Appl. No. 09/848,259

The undersigned hereby declares that "Attorney Docket No. 2925-0575P on page 1 of the inventors' Declaration, filed on October 24, 2001, corresponds to Appl. No. 09/848,259, filed May 4, 2001, entitled "METHOD OF ESTIMATING A SIGNAL-TO-INTERFERENCE+NOISE RATIO (SINR) USING DATA SAMPLES."

- Attached are two (2) sheet(s) of formal drawings.
- Attached is a copy of Form PTO-1533.

The Government Filing Surcharge (37 C.F.R. § 1.16(e)) and the basic Government Filing Fee (37 C.F.R. § 1.16(a)-(d)) (if applicable) is attached hereto and calculated as follows:

- Filing Fee \$0.00
- Surcharge ( Large Entity - \$130.00;  
 Small Entity - \$ 65.00)
- Attached hereto is a Statement Claiming Small Entity Status ( original  photocopy).
- Submitted concurrently herewith under separate cover for recording is an Assignment.

No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Application (Form PTO-1533). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

Applicant hereby respectfully petitions for a    month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. Please charge the required fee of \$    to Deposit Account No. 12-2325.

Appl. No. 09/848,259

A check in the amount of \$0.00 to cover the basic filing fee, surcharge fee, and any extension of time fees (if applicable) is enclosed.

Please charge Deposit Account No. 12-2325 in the amount of \$130.00. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 12-2325 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By

  
Gary D. Racura, Reg. No. 35,416

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GDY:ewd  
29250-000575

Attachments

OIP

Application Serial No. 09/818,259  
Attorney Docket No. 29250-000575

APR 02 2002

### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Hon. Commissioner of Patents & Trademarks  
Washington, D.C. 20231

on October 24, 2001.

Date

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Gary D. Yacura

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Submitted herewith is (are):

- Response to Notice to File Missing Parts
- Original executed Declaration
- Copy of Notice to File Missing Parts
- Change of Address

APR 02 2002



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/848,259	05/04/2001	Daniel R. Jeske	2925-0575P

CONFIRMATION NO. 6336

## FORMALITIES LETTER



"OC000000005232822"

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
 P.O. Box 747  
 Falls Church, VA 22040-0747

Date Mailed: 06/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

*Sels*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE

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